

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Himelda Mendez,

Plaintiff,

—v—

Sadigh Gallery Ancient Art Inc.,

Defendant.

19-cv-11534 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

According to the affidavit of service filed on January 28, 2020, Defendant's answer or other response to the Complaint was due on or before January 28, 2020. Dkt. No. 7. As of this date, the Court is not in receipt of Defendant's answer.

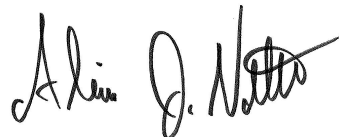
Within three weeks of this order, Plaintiff shall seek a certificate of default and move for default judgment against Defendant, pursuant to this Court's Individual Practices in Civil Cases, or file a status update with the Court explaining why a motion for default judgment against Defendant should not be filed at this time. Plaintiff is on notice that failure to do so by this date may result in her claims being dismissed with prejudice for failure to prosecute. *See United States ex rel. Drake v. Norden Systems*, 375 F.3d 248, 250 (2d Cir. 2004) (noting "a district judge's authority to dismiss actions based on a plaintiff's failure to prosecute").

In light of Defendant's non-appearance, the initial pre-trial conference currently scheduled for May 22, 2020 is hereby adjourned to June 26, 2020 at 3:15 p.m.

Additionally, Plaintiff must serve this order on Defendant and file an affidavit of service on ECF within one week of the date of this order.

SO ORDERED.

Dated: May 12, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a long horizontal flourish extending to the right.

ALISON J. NATHAN
United States District Judge